

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) Case No.: 3:16-CR-00008-RCJ
vs.)
Plaintiff,)
vs.) ORDER
BRANDON SMITH,)
Defendant.)

On February 26, 2020, the Federal Public Defender was appointed to represent the defendant to determine whether he may qualify for relief under *Rehaif v. United States*, 139 S. Ct. 2191 (2019), or *United States v. Davis*, 139 S. Ct. 2319 (2019). The FPD now moves to withdraw from representation due to a conflict and seeks appointment of new counsel for the defendant pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A.

The FPD's ex-parte motion to withdraw and appoint new counsel (filed under seal) (ECF No. 67) is GRANTED, and the FPD is hereby withdrawn from representation of the defendant in this case. The defendant will be appointed new counsel for the limited purpose of evaluating his eligibility for relief under either or both *Rehaif*, 139 S. Ct. 2191 and *Davis*, 139 S. Ct. 2319 by way of separate order.

IT IS SO ORDERED this 28th day of February, 2020.


ROBERT C. JONES
United States Senior District Judge